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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,967	11/03/2000	Jeff A. Josten	STL000039US1/1715P	5056

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EXAMINER

PANNALA, SATHYANARAYA R

ART UNIT PAPER NUMBER

2177

DATE MAILED: 08/21/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/705,967

Applicant(s)

JOSTEN ET AL.

Examiner

Sathyanarayan Pannala

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. As per the Applicant's Amendment filed on 6/30/2003, added claims 19-22. On the basis of this office action claims 1-22 are pending.

Claim Objections

2. Claims 3-5 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and

invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harderle et al. (US Patent 6,185,699) and in view of Watts et al. (US Patent 6,275,832).
5. As per independent claims 1, 7, 13, Harderle rendered by the following:
 - a) "allowing at least one system of the plurality of systems to fail" at Fig. 1, col. 5, lines 47-49;
 - c) "restarting the at least one system utilizing minimal resources" at Fig. 1, col. 5, lines 53-57.

Harderle does not teach specifically retaining locks at the time of restarting the system after failure. However, Watts teaches the following:

- b) "retaining a plurality of locks of the at least one system" at Fig. 3, col. 7, line 65 to col. 8, line 14.

Thus, it would have been obvious to one ordinarily skilled in the art at the time of the invention to incorporate computer-programming instructions to convert nonstandard database record to a standard database record. Harderle and Watts are combined as they teach recovery techniques from database failure and to retain of locks during database restarting time. In order to REDO/UNDO process locks of the database must be retained at the time of restating system from failure state.

6. As per dependent claims 2, 8, 14, Watts teaches "step b) further comprises allowing another system of the plurality of systems to retain the plurality of locks of the at least one system" at Fig. 3, col. 7, line 65 to col. 8, line 14.

7. As per dependent claims 3, 9, 15, Harderle teaches the following:

c l) "allowing the another system of the plurality of systems to restart the at least one system" at Fig. 1, col. 5, lines 53-54;

c3) "allowing the at least one system to terminate in a normal fashion" at Fig. 2, col. 6, lines 49-54.

Watts teaches the following:

c2) "recovering data being protected by the retained locks of the at least one system utilizing minimal resources of the another system" at Fig. 3, col. 7, line 65 to col. 8, line 14.

8. As per dependent claims 4, 10, 16, Watts teaches "minimal resources comprises a predefined plurality of resources necessary to recover the data being protected by the retained locks of the at least one system" at Fig. 1, col. 3, lines 34-45.

9. As per dependent claims 5, 11, 17, 22, Harderle teaches the following:

c1 i) "providing a request to restart the at least one system utilizing minimal resources" at Fig. 1, col. 5, lines 53-54;

c1 ii) "allowing the another system to detect the request" at Fig. 2, col. 6, lines 49-52;

c1 iii) "allowing the another system to restart the at least one system based on the request" at Fig. 1, col. 5, lines 53-60.

10. As per dependent claims 6, 12, 18, Watts teaches "the plurality of locks comprise a plurality of data locks" (Examiner interprets locks are pertaining to data since they are pertaining to data transactions) at Fig. 3, col. 8, lines 6-13.

11. As per independent claim 19, Harderle rendered by the following:

a) "allowing at least one system of the plurality of systems to fail" at Fig. 1, col. 5, lines 47-49;

c) "restarting the at least one system using only resources that are necessary for recovering the data protected by the plurality of locks" at Fig. 1, col. 5, lines 53-60.

Harderle does not teach specifically retaining locks at the time of restarting the system after failure. However, Watts teaches the following:

b) "retaining a plurality of locks of the at least one system" at Fig. 3, col. 7, line 65 to col. 8, line 14.

Thus, it would have been obvious to one ordinarily skilled in the art at the time of the invention to incorporate computer-programming instructions to convert nonstandard database record to a standard database record. Harderle and Watts are combined as they teach recovery techniques from database failure and to retain of locks during database restarting time. In order to REDO/UNDO process locks of the database must be retained at the time of restating system from failure state.

12. As per dependent claim 20, Watts teaches "claim 19 step b) further comprises allowing another system of the plurality of systems to retain the plurality of locks of the at least one system" at Fig. 3, col. 7, line 65 to col. 8, line 14.

13. As per dependent claim 21, Harderle teaches the following:

"allowing the another system of the plurality of systems to restart the at least one system" at Fig. 1, col. 5, lines 53-54.

"recovering data being protected by the retained locks of the at least one system utilizing minimal resources of another system" at Fig. 2, col. 6, lines 49-54.

"allowing the at least one system to terminate in a normal fashion" at Fig. 3, col. 7, line 65 to col. 8, line 14.

14. As per dependent claim 22, Harderle teaches the following:

"providing a request to restart the at least one system utilizing minimal resources" at Fig. 1, col. 5, lines 53-54.

"allowing the another system to detect the request" at Fig. 2, col. 6, lines 49-52.

"allowing the another system to restart the at least one system based on the request" at Fig. 1, col. 5, lines 53-60.

Response to Arguments

15. Applicant's arguments filed on 06/30/2003 have been fully considered but they are not persuasive as stated below:

First, the applicant stated as "However, Harderle does not teach the step of 'restarting the at least one system utilizing minimal resources' as recited in independent claim 1."

In response to the applicant's argument, Harderle teaches restarting the system automatically in response to the failure, or waits for a user command to restart, the recovery mechanism makes an analysis pass through the log from the last check-point forward (at Fig. 1, col. 5, lines 54-60). In the specification of

the invention did not list the minimal resources (see page 3, lines 18-21) in order to do thorough investigation. Whereas Watts teaches retaining locks to recover the system from failure (at Fig. 3, col. 7, line 65 to col. 8, line 14).

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.


18. If a reference indicated, as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (703) 305-9601 for faster service.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (703) 305-3390. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Sathyanarayan Pannala
Examiner
Art Unit 2177

srp
August 15, 2003


GRETA ROBINSON
PRIMARY EXAMINER